

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DANNY R. FUTREAL,

v.

MICHAEL J. ASTRUE, Commissioner of Social
Security.

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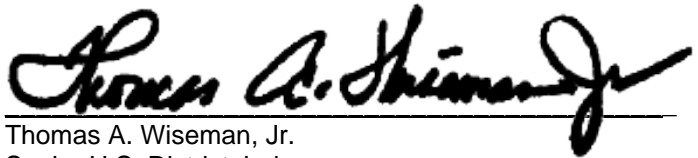
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ORDER

Defendant objects to the Report and Recommendation in which the Magistrate Judge recommends judgment for Plaintiff on the administrative record and remand to the Administrative Law Judge for a specific finding on the Plaintiff's credibility. The Administrative Law Judge thoroughly discussed the evidence and the contradictions between the allegations of Plaintiff, his testimony, and his activities. He did not use the magic words—"The Plaintiff lacks credibility"—yet the Administrative Law Judge did make findings which any reasonable reading would construe them as a finding of lack of credibility. This is sufficient and does not "present an insuperable barrier to the Court's determining as a matter of law that the Administrative Law Judge's decision was proper." The Magistrate Judge found that the Administrative Law Judge "discussed the evidence of record and reached a reasoned decision."

The decision of the Administrative Law Judge is supported by substantial evidence and the same is affirmed and the case is **DISMISSED**.

It is so **ORDERED**.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge